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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,075	03/30/2004	Yoshinori Sekiguchi	Q74855	3021

23373 7590 12/10/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
JAISLE, CECILIA M	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary	Application No.	Applicant(s)	
	10/812,075	SEKIGUCHI ET AL.	
	Examiner	Art Unit	
	Cecilia M. Jaisle	1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,57,58,63,64,68,72,75-101,103 and 112* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,75-79,82-85,88-90,93,94,99,100,103 and 112* is/are rejected.

7)☒ Claim(s) *57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED OFFICE ACTION

Abstract

Applicant is reminded of the proper content of an Abstract of the Disclosure.

In chemical patent abstracts for compounds or compositions, the general nature of the compound or composition should be given as well as its use, *e.g.*, "The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics." Applicants are requested to include identification of the variables of the compounds of Formula (I) as an aid to future researchers.

Complete revision of the content of the abstract is required on a separate sheet.

Rejections Under 35 US 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100, 103 and 112 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The term "heterocyclyloxy" is not understood. It may mean a heterocyclyl group that has the identified O ring member, or it may mean O that is further substituted by a heterocyclyl group. The term further fails to identify ring size or ring members. The specification does not clarify these terms. Applicants state that heterocyclyloxy has been defined as pyridinyloxy or 1H-pyrazolyloxy. They point to no support in the specification for this change and the examiner finds none.

- The phrases "mono-alkyl amino substituted by …," "mono-carbocyclic aryl amino substituted by …" and variants thereof are not understood. They may mean amino that has one mono-alkyl, mono-carbocyclic aryl or variants thereof and the second amino substituent is the named substituent. Or they may be interpreted to mean an amino that has one mono-alkyl, mono-carbocyclic aryl or variants thereof and the named substituent substitutes the previously defined mono-group. The terms further fail to identify ring size. The specification does not clarify the terms. Applicants state that definition of mono-carbocyclic aryl amino as mono-phenylamino obviates this rejection. This is not so; the same confusion exists. In addition, Applicants point to no support in the specification for this change and the examiner finds none.
- The difference between "cycloalkyl" and "carbocyclyl" is not understood. The specification does not clarify these terms. Despite Applicants comments, it is not understood if these terms are considered the same or different moieties. If they are different, neither the claims nor the specification define any difference between them.

Rejections Under 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

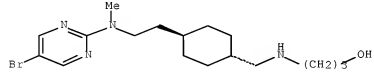
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of claims under 35 U.S.C. 103(a), the examiner presumes subject matter of the various claims was commonly owned when any inventions covered therein were made absent contrary evidence. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned when a later invention was made so the examiner may consider applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 75, 103 and 112 are rejected under 35 U.S.C. 103(a) over Ackerman, et al., US Pat. No. 7,012,077, entitled to the filing date of Dec. 5, 2002, describing RN 553677-39-7, 1-Propanol, 3-[[[trans-4-[2-[(5-bromo-2-pyrimidinyl)methylamino]ethyl]cyclohexyl]methyl]amino]-



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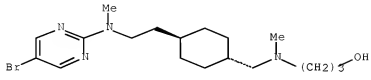
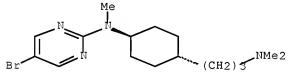
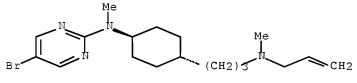
RN 553677-40-0, 1-Propanol, 3-[[[trans-4-[2-[(5-bromo-2-pyrimidinyl)methylamino]ethyl]cyclohexyl]methyl]methylamino]-,



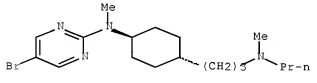
RN 553676-54-3, 2-Pyrimidinamine, 5-bromo-N-[trans-4-[3-(dimethylamino)propyl]cyclohexyl]-N-methyl-,



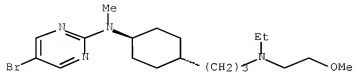
RN 553676-55-4, 2-Pyrimidinamine, 5-bromo-N-methyl-N-[trans-4-[3-(methyl-2-propenylamino)propyl]cyclohexyl]-,



RN 553676-56-5, 2-Pyrimidinamine, 5-bromo-N-methyl-N-[trans-4-[3-(methylpropylamino)propyl]cyclohexyl]-,



RN 553676-57-6, 2-Pyrimidinamine, 5-bromo-N-[trans-4-[3-[ethyl(2-methoxyethyl)amino]propyl]cyclohexyl]-N-methyl-,



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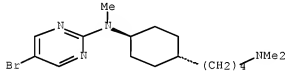
RN 553676-71-4, 2-Pyrimidinamine, 5-bromo-N-[trans-4-[4-(dimethylamino)butyl]cyclohexyl]-N-methyl-,



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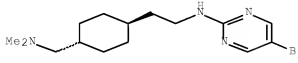
RN 553677-00-2, 2-Pyrimidinamine, 5-bromo-N-[2-[trans-4-(dimethylamino)methyl]cyclohexyl]ethyl]-,



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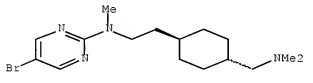
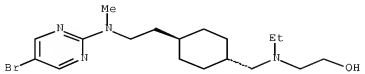
RN 553677-02-4, 2-Pyrimidinamine, 5-bromo-N-[2-[trans-4-[(dimethylamino)methyl]cyclohexyl]ethyl]-N-methyl-,



, and

RN 553677-37-5, Ethanol, 2-[[[trans-4-[2-[(5-bromo-2-pyrimidinyl)methylamino]ethyl]cyclohexyl]methyl]ethylamino]-,



. The presently claimed compounds are lower alkyl homologs and/or position isomers of the Ackerman compounds, and obvious thereover for the same utility.

It would have been obvious to one of ordinary skill in the art when the present invention was made to modify the Ackerman compounds to prepare structural homologs and position isomers thereof. One having ordinary skill in the art would have been motivated to prepare the instantly claimed compounds because such structurally homologous and position isomeric compounds are expected to possess similar properties. It has been held that compounds that are structurally homologous and position isomeric to prior art compounds are *prima facie* obvious, absent a showing of unexpected results.

> An obviousness rejection based on similarity in chemical structure and function entails the motivation of one skilled in the art to make a claimed compound, in the expectation that compounds similar in structure will have similar properties.

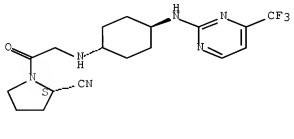
In re Payne, 203 USPQ 245, 254 (CCPA 1979). See also *In re Papesch*, 137 USPQ 43 (CCPA 1963) and *In re Dillon*, 16 USPQ2d 1897 (Fed. Cir. 1991) (discussed in MPEP § 2144) for an extensive case law review pertaining to obviousness based on close structural chemical compound similarity. See also MPEP § 2144.08, ¶ II.A.4(c). Compounds that are homologs (compounds differing regularly by successive addition of the same chemical group, e.g., by CH3- groups) and position isomers (compounds differing by an adjacent or near adjacent functional group), as here, are generally of

sufficiently close structural similarity that there is a presumed expectation that such compounds possess similar properties. *In re Wilder*, 195 USPQ 426 (CCPA 1977).

Response to Remarks of 08-21-2009

Applicants state that the Declaration by Kanuma Kosuke filed 09-05-2008 obviates this rejection by showing unexpected MCH1 receptor antagonistic activity for the 1,4-cis-cyclohexyl group as compared to the 1,4-trans-cyclohexyl group. Applicants are incorrect. The prior art compounds shown in the Kosuke Declaration are not the Ackerman compounds and show no such unexpected properties therefor. The Kosuke Declaration provides no basis for the assertion that the unexpected properties shown therein apply to the compounds of the present claims as compared to the Ackerman compounds. This rejection is deemed proper and maintained.

Claims 2, 103 and 112 are rejected under 35 USC 103(a) over Yasuda, et al., WO 2002030891, published 20020418, describing a dipeptidyl peptidase IV inhibitor, RN 412915-48-1, 2-Pyrrolidinecarbonitrile, 1-[2-[[trans-4-[[4-(trifluoromethyl)-2-pyrimidinyl]amino]cyclohexyl]amino]acetyl]-, hydrochloride,



2 HCl

. The presently claimed compounds are lower alkyl homologs and/or position isomers of the Yasuda compound, and obvious

thereover for the same utility. See the discussion above of the obviousness of lower alkyl homologs or position isomers of prior known compounds.

Response to Remarks of 08-21-2009

Applicants state that the Declaration by Kanuma Kosuke filed 09-05-2008 obviates this rejection by showing unexpected MCH1 receptor antagonistic activity for the 1,4-cis-cyclohexyl group as compared to the 1,4-trans-cyclohexyl group. Applicants are incorrect. None of the prior art compounds shown in the Kosuke Declaration are the Yasuda compound and show no such unexpected properties therefor. The Kosuke Declaration provides no basis for the assertion that the unexpected properties shown therein apply to the compounds of the present claims as compared to the Yasuda compounds. This rejection is deemed proper and maintained.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 USC 103(a) over Schaper, et al., US Pat. 5691321. Schaper teaches several heterocyclic compounds which are pyrimidinyl ring positions isomers of the compounds of Formula I. See col. 1, formula I and note the definitions of A, X, E, Y, Z, W and R1-R4. Note that when A is N, compounds taught by Schaper include pyrimidinyl ring position isomers of the presently claims compounds. See cols. 1-19 for details of the invention and preferred embodiments. See col. 27-49 including Tables 1-6 for examples of 584 compounds made which include pyrimidinyl ring position isomers of the claimed compounds. Especially see examples 1-206 and various compounds of Tables 2-6 where X

is NH. See the discussion above of the obviousness of position isomers of prior known compounds. Where the stereochemistry of the compound is not described, the racemate, separable by techniques know to the chemist of ordinary skill, is understood.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 USC 103(a) over Obata, et al., WO 1996/06086. Obata teaches several pyrimidine ring position isomeric compounds of formula I. Especially see pages 51-66 which include pyrimidine ring position isomeric compounds of the presently claimed compounds. See the discussion above of the obviousness of position isomers of prior known compounds. Where the stereochemistry of the compound is not described, the racemate, separable by techniques know to the chemist of ordinary skill, is understood.

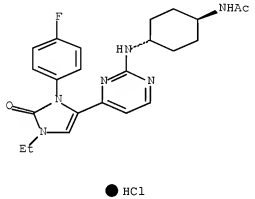
Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 US 103(a) over Lee, et al., WO 1999/31072. Lee teaches several pyrimidine ring position isomeric compounds of formula I where G is G-1. See Lee, page 2, formula I; the G, X, Y and R1-R4 definitions. When G is G-1, Lee compounds include pyramidine ring position isomeric compounds of the instant compounds. See pages 2-19 for detailed description of the Lee invention and various preferred embodiments. Especially see pages 19-85 including Tables 1-26 for a large number of pyrimidine compounds, which include pyrimidine ring position isomeric compounds of the instant compounds. See the

discussion above of obviousness of position isomers of prior known compounds. Where the stereochemistry of the compound is not described, the racemate, separable by techniques know to the chemist of ordinary skill, is understood.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 USC 103(a) over Sekiguchi, et al., EP 1464335. Sekiguchi teaches several formula I pyrimidine compounds as MCH antagonists, obviously suggesting the ring position isomeric pyrimidine compounds of the present claims for the same use. See p. 5, formula I; the Q, L, Y and R1 definitions. When R1 is formula IV, the Sekiguchi compounds obviously suggest ring position isomeric pyrimidine compounds of the present claims. See pages 5-133 for detailed description of the invention and various preferred embodiments. Especially see species at pages 90-92, 99-103, 105-107, 111 and 117-132 for pyrimidine species. See examples 1-3398 which include ring position isomeric pyrimidine compounds of the present claims. See the discussion above of obviousness of position isomers of prior known compounds. Where the stereochemistry of the compound is not described, the racemate, separable by techniques know to the chemist of ordinary skill, is understood.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 USC 103(a) over Kubo, et al., WO 2003035638, published 20030501, describing:

RN 521090-75-5, Acetamide, N-[trans-4-[[4-[1-ethyl-3-(4-fluorophenyl)-2,3-dihydro-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, hydrochloride,



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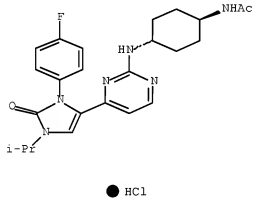
RN 521090-76-6, Acetamide, N-[trans-4-[[4-[3-(4-fluorophenyl)-2,3-dihydro-1-(1-methylethyl)-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, hydrochloride,



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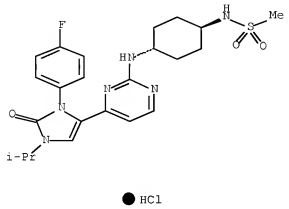
RN 521091-59-8, Methanesulfonamide, N-[trans-4-[[4-[3-(4-fluorophenyl)-2,3-dihydro-1-(1-methylethyl)-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, hydrochloride,



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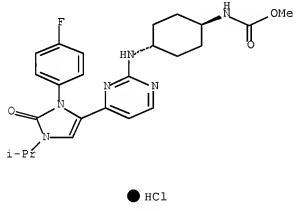
RN 521091-62-3, Carbamic acid, [trans-4-[[4-[3-(4-fluorophenyl)-2,3-dihydro-1-(1-methylethyl)-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, methyl ester, HCl,



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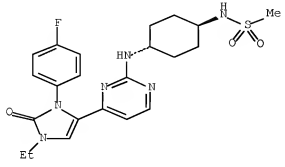
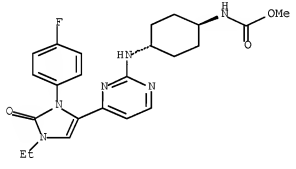
RN 521091-63-4, Methanesulfonamide, N-[trans-4-[[4-[1-ethyl-3-(4-fluorophenyl)-2,3-dihydro-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, hydrochloride,



● HCl

, and

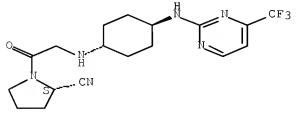
RN 521091-65-6, Carbamic acid, [trans-4-[[4-[1-ethyl-3-(4-fluorophenyl)-2,3-dihydro-2-oxo-1H-imidazol-4-yl]-2-pyrimidinyl]amino]cyclohexyl]-, methyl ester, HCl,



● HCl

. See the discussion above of obviousness of position isomers of prior known compounds.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 are rejected under 35 USC 103(a) over Villhauer, et al., WO 2001096295, published 20011220, describing RN 380831-65-2, 2-Pyrrolidinecarboni-trile, 1-[2-[[trans-4-[[4-(trifluoromethyl)-2-pyrimidinyl]amino]cyclohexyl]amino]acetyl]-, hydrochloride,



●2 HCl

. See the discussion above of obviousness of position isomers of prior known compounds.

Obviousness-Type Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) to prevent unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 163 USPQ 644 (CCPA 1969).

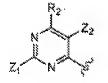
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100, 103 and 112 are rejected for nonstatutory obviousness-type double patenting as unpatentable over US Ser. No. 10/599505, claims 1-6, 9-15, 18-20 and 24-28. Claims 2, 75-79, 82-85, 88-90, 93, 94,

99, 100, 103 and 112 of this application each recite a genus that includes pyrimidinyl ring position isomers of the generic formulae of claims 1-6, 9-15, 18-20 and 24-28of 10/599505. Although the conflicting claims are not identical, they are not patentably distinct from each other because the genera of US Ser. No. 10/599505 are pyrimidinyl ring position isomers of the present genera and obvious thereover for the same utility. Content and scope of the applications overlap where 10/599505 contains the generic formula (I) of claims 1-6, 9-15, 18-20 and 24-28, while claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100, 103 and 112 of this application recite pyrimidinyl ring position isomeric formula (I), and their respective pharmaceutically acceptable salts, that are overlapped and encompassed thereby. For example:

In Formula (I) of the recited claims of 10/599505:

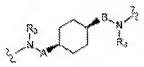
Q is optionally substituted 4-pyrimidinyl Formula (IIa)



(IIa)

,

L is formula (IIIa)



(IIIa)

,

Y represents:

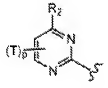
(i) -C(O)NR5-, -C(S)NR5-, -C(O)O-, -S(O)2-, -C(O)-, -C(S)-, or -$(CH_2)_m$- when L is selected from the group consisting of Formulae

(IIIa), and

R1 is alkyl, *inter alia*.

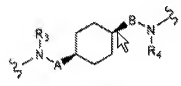
In Formula (I) of the recited claims of the present application:

Q is optionally substituted 2-pyrimidinyl Formula (IV)



(IV)

L is



(VII)

Y is –C(O)NR5-, -C(S)NR5-, -C(O)O-, -C(O)-, -C(S)-, a single bond, or –CH2-, and

R1 is alkyl, *inter alia*.

The claims are *prima facie* obvious over one another as ring position isomers and a reference rendering the claims of one application obvious would also render obvious the other application claims. This would be readily recognized by one of ordinary skill in this art. It would have been obvious to one of ordinary skill in the art

when the present invention was made to modify the 10/599505 invention to prepare ring position isomers thereof. One having ordinary skill in the art would have been motivated to prepare the instantly claimed compounds because such structurally position isomeric compounds are expected to possess similar properties. Compounds that are position isomeric to prior art compounds have been held to be *prima facie* obvious, absent a showing of unexpected results.

> An obviousness rejection based on similarity in chemical structure and function entails the motivation of one skilled in the art to make a claimed compound, in the expectation that compounds similar in structure will have similar properties.

In re Payne, 203 USPQ 245, 254 (CCPA 1979). *In re Papesch*, 137 USPQ 43 (CCPA 1963) and *In re Dillon*, 16 USPQ2d 1897 (Fed. Cir. 1991) (discussed in MPEP § 2144) have an extensive case law review pertaining to obviousness based on close structural chemical compound similarity. MPEP § 2144.08, ¶ II.A.4(c). Compounds that are position isomers (compounds differing by an adjacent or near adjacent functional group), as here, are generally of sufficiently close structural similarity that there is a presumed expectation that such compounds possess similar properties. *In re Wilder*, 195 USPQ 426 (CCPA 1977).

Because neither application has yet been patented, the rejection is provisional.

Objected Claims

Claims 57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 are objected to as dependent on a rejected base claim, but would be allowable if rewritten in

independent form including all limitations of the base claim and any intervening claims. Following is an examiner's statement of reasons for allowance.

Wustrow describes certain substituted cyclohexylamino-pyrimidine compounds, however, the compounds of Claims 57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 have a particular substitution pattern that is neither anticipated nor rendered obvious by Wustrow. In addition, the compounds of Claims 57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 are neither anticipated nor rendered obvious by of the other prior art of record, whether taken individually or in any combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cecilia M. Jaisle whose telephone number is 571-272-9931. The examiner can normally be reached on Monday through Friday; 8:30 am through 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cecilia M. Jaisle/
Examiner, Art Unit 1624

/James O. Wilson/
Supervisory Patent Examiner, AU 1624